IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 827 of 2005
IN
REVIEW PETITION NO. 11 OF 2005
IN
SUMMARY SUIT NO. 1353 OF 1984

Ashok Waman Phansalkar ... Petitioner

v/s

Dharamdas Manilal Jhaveri & ors. ... Respondents

Mr. R.A. Kapadia with Yash Kapadia i/by Meghraj & Associates for the petitioner.

Mr. Snehal Shah with Sanjay Kotak i/by M/s. Purnanand & Co. for the respondent No.1.

Ms. Ruby Kerawala for the respondent No.3.

CORAM: P.V. KAKADE, J.

DATED: 27TH SEPT., 2005

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. This is an application for condonation of delay stated to be of 45 days' in filing the review petition.

3. After hearing both parties, it is clear that, in fact technically the delay is more than 45 days as the impugned order was passed in June, 2004, whereas the delay condonation application is preferred in March, 2005. However, apart from these aspects, the reason mentioned by the applicant contained in para 2 appears to be reasonable. Moreover, it is needless to mention that the dispute sought to be raised by the present petition is required to be determined on merits of the case and, therefore, in my opinion, the motion deserves indulgence.

4. In the result, the notice of motion is hereby allowed on condition that the cost of Rs.5000/- shall be donated to the State Legal Aid Authority within two weeks from the date of this order.

With this direction, the notice of motion stands disposed of with no order as to costs.

Review petition to be placed on board for hearing on 6.10.2005 at 3.00 p.m.

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